

## Senate Bill No. 809

### CHAPTER 459

An act to add Sections 2960.05, 3750.51, 4982.05, and 4992.31 to the Business and Professions Code, relating to counselors.

[Approved by Governor September 21, 1999. Filed  
with Secretary of State September 21, 1999.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 809, O'Connell. Licensing.

Under existing law, the Board of Behavioral Sciences provides for the licensure and regulation of marriage, family, and child counselors, as well as clinical social workers, including the denial, revocation, or suspension of a license due to unprofessional conduct. Under existing law, the Respiratory Care Board of California provides for the licensure and regulation of respiratory care practitioners, and specifies causes for the denial, revocation, or suspension of a license on specified grounds. Under existing law, the Board of Psychology provides for the licensure and regulation of psychologists, including the denial, revocation, or suspension of a license on specified grounds.

This bill would require an accusation brought against such a licensee, pursuant to a specific provision of the Government Code, to be filed within 3 years from the date the board discovers the alleged act or omission that is the basis for disciplinary action, or within 7 years from the date the alleged act or omission that is the basis for disciplinary action occurred, whichever occurs first subject to certain tolling provisions. The bill would state that it applies to all accusations filed on or after January 1, 2000.

These requirements, however, would not apply if the accusation filed against a licensee, as specified, alleges the procurement of a license by fraud or misrepresentation.

*The people of the State of California do enact as follows:*

SECTION 1. Section 2960.05 is added to the Business and Professions Code, to read:

2960.05. (a) Except as provided in subdivisions (b) and (c), any accusation filed against a licensee pursuant to Section 11503 of the Government Code shall be filed within three years from the date the board discovers the alleged act or omission that is the basis for disciplinary action, or within seven years from the date the alleged act or omission that is the basis for disciplinary action occurred, whichever occurs first.

(b) An accusation filed against a licensee pursuant to Section 11503 of the Government Code alleging the procurement of a license by fraud or misrepresentation is not subject to the limitations set forth in subdivision (a).

(c) The limitation provided for by subdivision (a) shall be tolled for the length of time required to obtain compliance when a report required to be filed by the licensee or registrant with the board pursuant to Article 11 (commencing with Section 800) of Chapter 1 is not filed in a timely fashion.

(d) If an alleged act or omission involves a minor, the seven-year limitations period provided for by subdivision (a) shall be tolled until the minor reaches the age of majority.

SEC. 1.5. Section 3750.51 is added to the Business and Professions Code, to read:

3750.51. (a) Except as provided in subdivisions (b) and (c), any accusation filed against a licensee pursuant to Section 11503 of the Government Code shall be filed within three years from the date the board discovers the alleged act or omission that is the basis for disciplinary action, or within seven years from the date the alleged act or omission that is the basis for disciplinary action occurred, whichever occurs first.

(b) An accusation filed against a licensee pursuant to Section 11503 of the Government Code alleging the procurement of a license by fraud or misrepresentation is not subject to the limitations set forth in subdivision (a).

(c) The limitation provided for by subdivision (a) shall be tolled for the length of time required to obtain compliance when a report required to be filed by the licensee or registrant with the board pursuant to Article 11 (commencing with Section 800) of Chapter 1 is not filed in a timely fashion.

(d) If an alleged act or omission involves a minor, the seven-year limitations period provided for by subdivision (a) shall be tolled until the minor reaches the age of majority.

SEC. 2. Section 4982.05 is added to the Business and Professions Code, to read:

4982.05. (a) Except as provided in subdivisions (b) and (c), any accusation filed against a licensee pursuant to Section 11503 of the Government Code shall be filed within three years from the date the board discovers the alleged act or omission that is the basis for disciplinary action, or within seven years from the date the alleged act or omission that is the basis for disciplinary action occurred, whichever occurs first.

(b) An accusation filed against a licensee pursuant to Section 11503 of the Government Code alleging the procurement of a license by fraud or misrepresentation is not subject to the limitations set forth in subdivision (a).



(c) The limitation provided for by subdivision (a) shall be tolled for the length of time required to obtain compliance when a report required to be filed by the licensee or registrant with the board pursuant to Article 11 (commencing with Section 800) of Chapter 1 is not filed in a timely fashion.

(d) If an alleged act or omission involves a minor, the seven-year limitations period provided for by subdivision (a) shall be tolled until the minor reaches the age of majority.

SEC. 3. Section 4992.31 is added to the Business and Professions Code, to read:

4992.31. (a) Except as provided in subdivisions (b) and (c), any accusation filed against a licensee pursuant to Section 11503 of the Government Code shall be filed within three years from the date the board discovers the alleged act or omission that is the basis for disciplinary action, or within seven years from the date the alleged act or omission that is the basis for disciplinary action occurred, whichever occurs first.

(b) An accusation filed against a licensee pursuant to Section 11503 of the Government Code alleging the procurement of a license by fraud or misrepresentation is not subject to the limitations set forth in subdivision (a).

(c) The limitation provided for by subdivision (a) shall be tolled for the length of time required to obtain compliance when a report required to be filed by the licensee or registrant with the board pursuant to Article 11 (commencing with Section 800) of Chapter 1 is not filed in a timely fashion.

(d) If an alleged act or omission involves a minor, the seven-year limitations period provided for by subdivision (a) shall be tolled until the minor reaches the age of majority.

SEC. 4. This act shall apply to all accusations filed on or after January 1, 2000.

